

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Chittoor District – Revision Petition filed by Sri R. Nagaraja S/o Ramakrishnama Naidu, R/o Ramanaidu Kandriga, Ramachandrapuram Mandal, Chittoor District – against the orders of the Commissioner of Appeals Office of the Chief Commissioner of Land Administration, Hyderabad vide proceeding. No.BCW.3/255/2003, dated.20-6-2005 – Revision Petition dismissed - Orders – Issued.

REVENUE (ASSIGNMENT - IV) DEPARTMENT

G.O.Ms.No. 775

Dated: 27-07-2009.

Read the following:-

- 1) From the Commissioner of Appeals Office of the Chief Commissioner of Land Administration, Hyderabad Proceeding No.BCW.3/255/2003, dated.20-6-2005.
- 2) Review Petition filed by Sri R. Nagaraja S/o Ramakrishnama Naidu R/o Ramanaidu Kandriga, Village, Ramachandrapuram Mandal, Chittoor District, dated.24-8-2005.
- 3) Govt. Memo.No.47518/Assn.IV(2)/2005-1, dated.6-10-2005.
- 4) From the District Collector, Chittoor Lr.Roc.No.E2/9231/2000, dated. 19-11-2005.
- 5) From the Spl. Chief Secretary and Chief Commissioner of Land Administration, Hyderabad Lr.No.Spl.B3/1896/2005, dated. 2-12-2005.
- 6) From the Tahsildar, Ramachandrapuram Mandal, Chittoor District Lr.Roc.A/528/98, Dt. 23-01-2009.

* * *

ORDER:-

In the reference 1st read above, the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad has reported that one Sri B. Mogilaiah and other Harijans of Mitta Kandriga have applied for assignment of land in Sy.No. 390/8 of Rayalacheruvu Village of Ramachandrapuram Mandal. During the enquiry the MRO. Ramachandrapuram Mandal, has found that as per DKT register the land in Sy.No. 390/8 admeasuring an extant of Acs. 5.04 Cts was assigned in favour of R. Nagarajan S/o Ramakrishna naidu vide DKT.No.158/4/1395 dated. 23-5-1986, that the assignee never cultivated the land from the date of assignment and the land is under enjoyment of the petitioner since issue of patta and the land is laying waste. The MRO., has issued notice for cancellation of the said assignment land vide Roc.B/528/98, dated. 24-6-1998, as the assignee is not resident of the village and not residing in the village where the lands are situated or its surrounding villages. Further his name was not enrolled in voter list and no ration card was issued to the petitioner. Subsequently, further notice was issued by the MRO., for cancellation of the assignment made in favour of Revision Petitioner under violation of conditions of DKT patta vide proceedings.No.B/528/98, Dated. 1-08-1998. The MRO., issued A1 notice on 6-8-1998 for assigning the above lands to the eligible landless persons. As no objections were received, the land was assigned to S.C. beneficiaries (i.e. Smt. S. Adimma and (3) others) of the villages vide DKT.No.7/4/408, dated. 26-8-1998.

(p.t.o.)

2. Aggrieved by the orders passed by the MRO., Sri R. Nagaraja filed an appeal before the RDO., Chittoor . The RDO., Chittoor in his proceeding No.D.Dis.M/3131/98, dated. 4-10-2000 has dismissed the appeal. The petitioner has filed a revision petition before the Joint Collector, Chittoor and the Joint Collector, after persual of connected records and hearing of the arguments of the counsel, observed that as seen from the records of RDO., Chittoor, the land is not reserved for assignment to ex-servicemen and the assigned land, which was made in the year 1986, the Revision Petitioner never cultivated the land upto 1998 and hence passed orders confirming the orders passed by the MRO., deleting the entries made in favour of the Revision Petitioner in the village accounts and the said land was resumed by the Government.

3. Aggrieved by the orders passed by the Joint Collector, Appeal petition was filed before the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad Smt. S. Adiamma and 3 others have filed an impleading petition. The petitioner filed W.P., and obtained orders for maintenance of status quo as on the day from the Hon`ble High Court of A.P., till the disposal of the petition pending before the Commissioner of Appeals O/o Chief Commissioner of Land Administration, Hyderabad. The case was posted for hearing on 24-10-2003 and finally heard on 19-4-2005 the appeal was dismissed by the Commissioners, Appeals which is as follows:-

“While the appellant’s argument is that the land was assigned under ex-serviceman category the MRO has reported that the land is never reserved for assignment to ex-serviceman. As the assignee has violated the conditions of assignment by not bringing the land under cultivation within the stipulated period, the MRO has resumed the land to Government by deleting the entries made in favour of the petitioner herein in the Village Accounts after issue of Notice and re-assigned the lands to S. Cs., of the village. In the circumstances the RDO., Chittoor and subsequently the Joint Collector, Chittoor, have rightly confirmed the orders of the MRO. Therefore, I see no reason to interfere with the orders of Joint Collector, Chittoor. The appeal is dismissed accordingly. The status quo orders of the Hon`ble High Court are to be interpreted accordingly.

4. Aggrieved by the orders of Commissioner of Appeals, in the reference 2nd read above, Sri A. Nagaraja S/o Ramakrishnamanaidu, R/o Ramanaidukandriga Village, Ramachandrapuram Mandal, Chittoor District has filed Revision petition before the Government against the orders passed by the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad vide Proceeding.No.BCW.3/255/2005, dated. 20-6-2005.

5. The above case was called by the Government on 6-10-2005 and subsequently was heard on 24-5-2008, 18-10-2008, 29-11-2008 and finally on 17-1-2009. The Advocate for the petitioner and the official respondent i.e. Tahsildar, Ramachandrapuram Mandal, Chittoor District were present. The Tahsildar, Ramachandrapuram Mandal was directed to inspect the subject lands personally and furnish his report to Government. The Tahsildar, Ramachandrapuram Mandal, Chittoor District has inspected the said lands and furnished his inspection report on 23-1-2009 to Government. It was reported that the subject land in Sy.No. 390/8 measuring an extent of Acs. 5.04 was assigned in favour of R. Nagaraja S/o Ramakrishnama Naidu vide DKT.No.158/4/1395, Dt.23-5-1986. The assignee has not cultivated the land from the date of assignment and the land was resumed and re-assigned to the following S.C. beneficiaries of the village which is as follows:-

(Contd..... 3rd)

Sl.No.	Name of the DKT Pattadar and address	DKT No. and Date	Sy.No. and Sub-Division No	Extent
1.	K. Ammulamma W/o Vijaya Bhaskar Kuppam Badur H.W	6/4/1408, dt. 26-8-1998	390/14	Ac. 1.54
2.	S. Ademma W/o Subbaramania Kuppam Badur H.W	9/4/1408, Dt.26-8-1998	390/2	Ac.1.50
3.	P.Bujjamma W/o Kailasam Paramala H.W.	12/4/1408 dt.26-8-1998	390/13	Ac.1.50
4.	A. Raveendra S/o Chengaiah Paramala H.W.	14/4/1408, dt.26-8-1998	390/18 390/19	Ac.0.50 Ac.0.50
			Total:	Ac.5.04

6. This authority considering all the facts and after careful examination of the matter hereby order that the action taken by the Tahsildar, Ramachandrapuram Mandal, Chittoor District in resuming the assigned land from Sri R. Nagaraja S/o Ramakrishnamanaidu, and for violation of the DKT conditions, is in accordance with the rules. This authority also order that there is no need to interfere with the orders passed by the Commissioner of Appeals, Office of the Chief Commissioner of Land Administration, Hyderabad in proceedings. No. BCW.3/255/2003, dated. 20-6-2005. Accordingly the R.P. filed by the petitioner is dismissed.

7. The District Collector, Chittoor shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI,
SECRETARY TO GOVERNMENT

To

Sri R. Nagaraja S/o Ramakrishnama Naidu,
Aged about 77 years Occ: Cultivation,
R/o Ramanaidu Kandriga,
Ramachandrapuram Mandal Chittoor
District.

The Commissioner of Appeals,
Office of the Chief Commissioner of Land
Administration,
A.P. Hyderabad.

The Joint Collector,
Chittoor District.

The Mandal Revenue Officer,
Ramachandrapuram Mandal,
Chittoor District.

M/s B.Papa Reddy, A.Chakravarthy, C.Mahender Reddy, Advocates,
7-62, Plot No.-1, Jai Santosh Nagar Colony, Street No.8, Habsiguda, Hyd-7

The P.S. to Minister (Revenue)

The P.S. to Secretary (Revenue)

SF / SC

//FORWARDED:: BY ORDER//

SECTION OFFICER